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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,237	04/24/2000	Chae-Man Lim	678-475 (P9174)	8647

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EXAMINER
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HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 05/05/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/558,237

Applicant(s)

LIM, CHAE-MAN

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed February 9, 2004 with respect to the declaration and the previous office action unintentionally naming joint inventors have been fully considered and are persuasive.

Applicant's arguments filed February 9, 2004 with respect to the drawing objection and claim rejections have been fully considered but they are not persuasive.

2. With regard to the drawing objection, descriptive wording for the boxes of Figure 6 allows a reader to more quickly understand the disclosure. Without descriptive wording, all the boxes in Figure 6 would only be understood after looking to the specification for their description which places a burden on the reader. Examiner has interpreted "labeled representation" of 37 CFR 1.83(a) to mean descriptive wording so that box 610 of Figure 6 would be recognized as a despreaders.

3. Applicant argued that Ostberg does not disclose a first synchronization code, a base station group code and a base station specific code. However, the first synchronization code is the PSC, the base station group specific code is the LCG and the base station specific code is the long code (col. 3, lines 22-32 and col. 6, lines 63-67; Figure 2A and 2B; Figure 4, steps 420 and 430).

4. Applicant argued that Ostberg does not disclose that a base station specific code is separately transmitted and that the base station specific code and base station group specific code are transmitted on the same channel. However, the base station specific code and the base station group specific code are transmitted on the same channel (Figure 2B, SSC in perch 2; col.

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3, lines 22-27; col. 6, lines 63-67; col. 8, lines 42-48) which is separate from a primary synchronization channel (Figure 2B, perch 1).

5. Applicant argued that Ostberg differs from the claimed invention because the cell search of the claimed invention is accomplished through two steps only and without receiving a BCCH. However, as noted in the specification, the S-SCH and P-SCH are part of the BCCH (BCH) at page 11, 2<sup>nd</sup> paragraph, last line. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., performing the details of a cell search in only two steps or operations and performing the cell search without receiving the BCCH) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Drawings***

6. Figure 6 is objected to because item 610 requires descriptive wording (37 CFR 1.83(a)). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ostberg et al. (US 6,504,830).

7. Regarding claims 1, 3, 5, 7, 9 and 14, Ostberg discloses a signal transmitting apparatus (Figure 1A, item 120; abstract, lines 1-4) and receiving apparatus (Figure 1A, item 130). The apparatus has an inherent primary synchronization channel transmitter (Figure 2B, PSC in Perch 1) for placing synchronization information in several slots and an inherent secondary synchronization channel transmitter (Figure 2B, SSC in Perch 2) for having a group specific code at the beginning of each slot (col. 5, lines 44-46; col. 6, lines 63-67; col. 7, lines 1-20) with a specific code (Figure 4, items 420-440) which represents one base station in the group.

8. Regarding claims 2, 4, 6 and 8, the apparatus has a broadcast channel (Figure 3A) which is mapped to the SSC (abstract, lines 6-7; col. 6, lines 22-25 and 30-35).

9. Regarding claims 10, 12, 15 and 17, a group specific code detecting unit comprises a correlator for calculating the correlation in each slot (col. 7, lines 46-62) and a base station group detector for determining a base station group using specific codes corresponding to a maxima of correlations detected (col. 7, lines 14-20).

10. Regarding claims 11 and 16, the group detector comprises an inherent shift operator for comparing correlations to an inherent comma free code table (col. 8, lines 15-24) and a maximum correlation detector for detecting a synchronization code corresponding to a maximum cyclic shifted correlation (col. 7, lines 14-20).

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***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 13 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Ostberg et al., as applied to claim 12 or 17 above, in further view of Nystrom et al. (US 6,526,091).

11. Regarding claims 13 and 18, Ostberg discloses using Gold sequences (col. 3, lines 46-49) and does not disclose correlating Hadamard sequences by a Hadamard transformation. Nystrom discloses using a Hadamard sequence instead of a Gold sequence in a multi-user system (col. 10, lines 1-3 and 25-29). Therefore, it would have been obvious to one skilled the art at the time the invention was made to correlate a Hadamard sequence in the invention of Ostberg in order to use a less complex transformation.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [pair.uspto.gov](http://pair.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



April 29, 2004



DANGTON  
PRIMARY EXAMINER